

COMMISSIONERS APPROVAL

GRANDSTAFF *Cg*

ROKOSCH *JRM*

THOMPSON *at*

CHILCOTT *g*

DRISCOLL *vd*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Date.....March 20, 2008

Minutes: Beth Perkins

► The Board met with DEQ for an Air Quality update and to discuss options and a possible contract. Present were Environmental Health Director Lea Jordan, Sanitarian Morgan Farrell, Bob Jeffrey, Bob Habeck, and Brian Spangler from DEQ.

Commissioner Grandstaff called the meeting to order.

Bob Jeffrey introduced Bob Habeck who presented an update of the air quality issues. He also introduced Brian Spangler who will be discussing pollution prevention and energy conservation.

Bob Jeffrey gave the monitoring data update and reviewed the Hamilton PM2.5 daily maximum values data. He stated it includes all the data when the monitors were running during wildfire season. This was the maximum particulate matter found in concentration in a 24 hour sample. Commissioner Chilcott stated we as a government have to accept fire season and cannot regulate it. Instead we are mitigating woodstove regulations. He further discussed the inability to regulate our forests.

Bob Jeffrey discussed the 98th Percentile Values where you can throw out a couple of days in the data such as smoky fire days. He stated these take out the fire days and recalculate the PM2.5 (particulate matter). He is not trying to discount the effect on health. Commissioner Chilcott asked how many days exceeded the 35 limit. Bob Jeffrey replied with what you can control, some years none, other years possibly 4 or 5. Bob Jeffrey stated there are two rules you need to be in compliance with which are annual

standard averages and the other is maximum daily values. He discussed the collection of the samples and stated it is a filtered based method. The valley has increased air pollution levels in the winter. Mostly it was due to people using woodstoves. Bob Jeffrey discussed chemical mass data studies used to differentiate source points of pollutants such as traffic and burning. Commissioner Thompson stated it is hard to measure individual days.

Commissioner Chilcott left the meeting at this time.

Bob Jeffrey further discussed how the details of the data are utilized. The BAM 2.5 federal methods are the methods used. Morgan stated because we have firefighters, it shouldn't be a reason to not do something about wildfires. Commissioner Rokosch stated he is not feeling good by bumping up against the 35 (ug/m3) daily maximum. We need to be proactive. Commissioner Thompson stated the EPA cut the allowable daily maximum. We looked pretty good in the past. Now if you look at the data, we don't anymore. We have to do more.

Bob Habeck stated every few years the EPA has to look at the standards. These standards are meant to protect people such as elderly, asthmatics, and small children. There is an off season like spring and fall or a "down" time. Now there isn't a down time for people with respiratory diseases. They have to carry their oxygen tanks year round.

Bob Habeck stated regardless of where the federal government sets the standard at 35, an asthmatic person does not know the difference of 33 or 35 day. Part of the transition is asking if the Board will take charge and take the steps to move forward. Bob Habeck discussed people calling him about the standards with open burning and the air quality. People have expectations of both the county and the state. He requested the Board to think about moving forward with an air regulatory local program. He presented a contract for monitoring duties to be considered along with the State helping the staff to draft rules. It is unfortunate to work with local people that have no authority to help enforce. He suggested creating a Technical Advisory Committee. Bob Habeck discussed funding for the committee. He requested the Board take action in phases of approach with core rules, voluntary education and talk again next year. He discussed the need for a person to commit three quarters of time dedicated to air quality, the DEQ giving \$18,000 to \$20,000 per year to the county to fund the program and the federal funds that could be lost if a local program is not implemented. Lea added the other reality is EPA seriously considered combining Ravalli and Missoula County air quality data.

Commissioner Grandstaff asked what would the county be responsible for in order to get the funding. Bob Habeck replied for every \$10 spent, we get \$3 back. He is guessing it would be about a \$10,000 match needed from the County. He discussed education and awareness of the current air quality. He then discussed open burning and looking at a local program to issue permits for burning which could also be a revenue source. Bob Habeck added the enforcement portion. Morgan clarified it does not mean we are going to yank out everyone's woodstove. Bob Habeck stated there was federal money to DHS for low income energy efficiency. He discussed the possibility of EPA woodstoves being available to low income people for a swap out. Commissioner Grandstaff asked how to

identify those households in need and how they would qualify. Lea replied they would have to come into Environmental Health. Commissioner Rokosch questioned notification of those who are qualified and if there is a time frame. Bob Habeck replied right now this year's funding has been missed. There was money already allocated to move forward if the Board decides to enter into the agreement. Commissioner Grandstaff asked if the Board agrees to this today how long would it last. Bob replied it would be retroactive to July 1st 2007. Bob presented the Board with the draft agreement and reviewed key points such as participation.

Brian Spangler stated he was here a few weeks ago for the bio-fuels seminar. He is the non-regulatory portion of the DEQ and runs on a grant through the EPA. They have signs to "Turn off your Engine – Clean Air Zone" program. He asked if the Board would like some put around the buildings. Brian discussed the packets for the program goes out to school administrators. He does have some money set aside to run a pilot project for county vehicles to run on bio-diesel. He stated the cost of the bio-diesel has gone up dramatically due to the demand for soy. Commissioner Driscoll asked about the algae based bio fuels. Brian replied he does not know much about the algae based bio fuels. They were looking at the ponds growing algae to get educated on the process. He discussed putting together a working group to collect federal funds to move forward with bio fuels. It has been in discussion with the EPA and is based on population. He discussed buying a simulator to train diesel drivers to use what they have more efficiently. A study had shown this could be reduced by 26%. Commissioner Rokosch discussed the interest of people using clean bio diesel and potential to do something that will address a number of challenges such as economic development.

Brian stated the last 2007 session included B2 mandates (bio diesel). He stated they did some bio diesel workshops and looked at the parts of the state that are agriculture. They wanted an in-house test on the bio diesel program. He stated they implemented a lab for the in-house testing that will open next Thursday. Commissioner Driscoll discussed the amount of money that could be saved if people would shut their engines off rather than letting them idle. Brian stated they would be willing to do some presentations for the "No Idle" program.

Bob Habeck proposed to make an agreement "in kind" until Counsel can review the draft agreement. They have \$14,000 now that would be retroactive until July 1st and then \$18,000 with a match of \$10,000 for fiscal year 2010.

Commissioner Grandstaff stated she is in favor of this program and requested being on the Technical Advisory Committee.

Morgan stated he is also in favor of having rules and enforcement.

Dr. Ellyn Jones stated she believes they have to do something about the air quality; it is no longer a choice. Education and some teeth seem to be the way.

Stella Burgin from AAFS stated they have been running their vehicles on 100% ethanol. She is concerned with the air quality in the valley. She offered her services to the county.

Dave Hedditch asked about the \$500 tax credit for people who buy EPA woodstoves. Commissioner Grandstaff discussed the Board requesting EPA woodstoves as a secondary heat source in to the covenants of land developers. Stella stated she believes it is a communications problem.

Commissioner Rokosch made a motion to enter into agreement No. 208002 with DEQ for the purpose of conducting air quality monitoring and public education programs for air quality protection in Ravalli County contingent upon approval from Civil Counsel. Commissioner Driscoll seconded the motion, all voted 'aye'.

► The Board met for discussion in regard to Subdivision Processing Policy with Planning Department and Environmental Health. Present were Environmental Health Director Lea Jordan, Planning Director Karen Hughes, Planner Renee Lemon, Civil Counsel Karen Mahar, Planning Board member Chip Pigman, and several citizens.

Commissioner Grandstaff called the meeting to order.

Lea presented a letter of support for the Sonoran Institute Team to be approved by the Board. She stated it is to allow her to apply for a funding education grant for a community based project; more specifically a community water quality district. Commissioner Chilcott asked if anyone was invited outside the city. Lea stated the goal is to get the application in and then seek people from Stevensville, Florence, etc. Commissioner Rokosch expressed his support for the team to move forward.

Commissioner Rokosch made a motion to issue a letter of recommendation and support for the Sonoran Institute Team. Commissioner Driscoll seconded the motion, all voted 'aye'.

Karen Hughes discussed subdivision review and processing. She stated they are scheduling a follow up meeting to the "9 Question" meeting. Where there are several subdivisions coming up for review by the Board, she believes it was necessary to discuss timelines and staffing issues and other issues. She would like to set some policies for county staff and processing of subdivisions.

Karen stated her issues were clarifying issues expressed by the Board or by an individual, difficulty with issues that must be addressed immediately or later. Lea stated her concerns are increasing concerns with public health and safety, the DEQ process and what their role is and when the Board would like them to participate. She requested to not be notified five minutes before the review begins without prior notification. Their department has limited ability of what to require. They can explore regulations.

Commissioner Grandstaff addressed the first concern of how Planning is getting questions to their department by the Board or by an individual commissioner. Karen

stated it is also clarifying the actual question. Is this something the whole Commission wants where we would have to consider a policy change. Renee used the local important soils as an example. She stated it could be included in the Staff Reports if it is requested. Karen stated this meeting is to get us on the same page, not to review specifics. Commissioner Chilcott stated he thought this was already addressed with the last subdivision with the Board agreeing to use the contents of the Staff Report. We do not make decisions individually but as a Board. Commissioner Rokosch stated it was to clarify as a body interpretation of identifying changes that need to be made. This is now a five member commission. We need to focus on making those interpretations or asking for new things, we need to have a mechanism or a majority to ask those questions. Commissioner Thompson stated Planning has expressed their frustrations with individual commissioners going to them and saying there are some changes needed to be made with the subdivision regulations. It is not coming in the proper manner. The Board makes that direction, not an individual commissioner. Karen stated some of it comes back to the concept of interpretation of minor changes and the changes of how the information is gathered. If it is asking for different information over and over again, that is something else. Where those lines are, are difficult.

Commissioner Driscoll agrees with Karen. She understands it is a slow process to get three people to agree. There are people actively working to get regulations in place. The other picture is when an individual brings something in, such as traffic problem, it has to be checked to see if it is within the regulations. Then we have to look at revising the regulations.

Commissioner Rokosch stated what can be achieved today is a mechanism with a majority. He suggested drafting what the Board would like to see and what can be asked under the current regulations and then vote on it. Then the Board could ask Planning Staff. Commissioner Driscoll stated she believes the Board has to filter that through legal interpretation and then consult the Planning Department. Commissioner Grandstaff stated it could be put on the public agenda for discussion and come up with a directive. Commissioner Driscoll stated she feels strongly about having these filters before that point.

Civil Counsel Karen Mahar stated she believes Commissioner Driscoll is saying, why waste time with a public process if it is not a venture under the regulations. It is not black and white but certain aspects you can look at under the law, you also have state regulations. There are some areas that have to be filtered through with State regulations. There is an attempt to filter areas prior to a public process to help the Board make their decisions. You can get some guidance.

Karen Hughes suggested you have to create the regulations to deal with the issues the way you want to deal with them. Civil Counsel Karen Mahar stated you can send individual emails with questions to be added and she can sort through those and massed into one. Karen Hughes stated it is ok to ask case planners questions, but it is better to know earlier in order to provide better answers. Commissioner Rokosch stated the Board has a ton of stuff coming through and he does not feel adequately prepared sometimes

and not asking these questions until the review. He personally has to find a way to try to get through the material in a more timely manner. Commissioner Grandstaff concurs with Commissioner Rokosch and expressed her frustration with not being able to look at the material prior.

Lea expressed her concern with being contacted prior to the actual review for questions. She requested the Board give faith to the DEQ process. She believes it is very thorough. Commissioner Grandstaff stated after the last review, she has renewed faith with the DEQ. She asked if Lea had a lot of contact with the subdivision review. Lea replied as of late, yes. Karen stated she has contacted Lea for flagged areas she believes would be a problem with the Board. Commissioner Driscoll stated after the last 9 questions, the Board has attended water conferences and are now getting a better handle on it. The Board is looking at the facts and getting the backgrounds. Now the Board can start building on better regulations. Karen stated the Planning Department does the subdivision review in a public process. She suggested the Board shadow the subdivision review process with Environmental Health since it is not. Lea stated there is a certain criteria followed within State law. She invited the Board down to Environmental Health for review. Commissioner Rokosch stated it would be more beneficial to have all the Commissioners review the process with EH and to include Road Department. The second part is what happened yesterday with DNRC. Lea explained there is a thing called "approval before denial." She stated Sleeping Child Farms went through one small piece of DEQ process. There is a long, long process for final approval and certain requirement to be submitted. Karen stated there is a sufficiency review process. Lea states sometimes you can submit to DEQ and Planning Department at the same time and sometimes it is a judgment call to see what would be the biggest hang up and that is where they will submit the application first.

Commissioner Rokosch stated they painfully negotiated shared wells where the developer stated they had already got approval by DEQ for individual wells. Lea stated what was accomplished was not so many holes in the aquifer. It is still not being monitored as it would with a community water system. Commissioner Grandstaff stated the DEQ allows numerous amounts of wells. It comes to the Board to negotiate. Karen replied some of this has to happen with state regulation. Not all of this can be solved here. The real way to solve the problem is to go to the legislature. Commissioner Rokosch stated the other alternative is 76-3-5-11. He stated he can't trust what is coming from DEQ. The Board has to look at the future. Commissioner Grandstaff stated it is another layer in the review process. Lea stated we have to look at our long-term goals. A lot of what they are failing to say is yes you can look at x-y-z BUT you can to adopt such and such regulation. We have to move forward with consistency to continue. She understands the frustration without the regulations in place. We are slowly gathering information to help with those issues. We can do this together.

Commissioner Chilcott stated he agrees with Commissioner Rokosch to some extent. The regulations are what they are. We have created an artificial bar to be met every time. Board discussion followed regarding the line between offered mitigation and negotiations and the state regulations. Civil Counsel stated you can't base your denial on anything that

is not a non-compliance of the regulations. Commissioner Rokosch stated that is an area of where the 511 process comes in. Commissioner Chilcott stated to meet this bar we would have to give up something. Commissioner Grandstaff stated Lea has these grants to provide the data. Lea stated it also has to come from the directive of the Board. Karen stated there is something in rule making. Typically the rule is to set the overall to where you want to go and then the Staff comes up with how you are going to get there. She discussed whether it is Planning or Environmental Health, you need to focus on the detail and the direction. That will be the biggest benefit to the Staff.

Commissioner Grandstaff stated she is drafting a memo to encapsulate setting aside a day to figure out what is wanted and how to get there. Commissioner Driscoll asked with these subdivisions, how can you extract the most knowledge out of it for the big picture. Karen replied the right way to do it is when you scope out a traffic study to do it individually, you are really on two different scales.

Commissioner Chilcott explained the process of proving a dwelling is outside of the floodplain with FEMA. If we are talking about a traffic study, maybe there is a way to come up with some sort of impact fee. Lea stated there is an issue of acquiring information and what the Board does with the information. She used the example of asking for a traffic study and then getting the information, so now what is the Board doing to do with it, what is the purpose? Karen stated it comes down to the regulations. Where is the threshold of gathering information? Commissioner Driscoll further discussed both sides of information gathering.

Commissioner Rokosch stated the Weed Department also had some changes they would like to make with the regulations. Civil Counsel Karen Mahar asked about identifying timeframes for these questions. There may be a logical place in the process for it. Commissioner Rokosch suggested a good time would be before sufficiency review.

Karen discussed the fine line with the regulations with the Board. Commissioner Driscoll asked if it would be clarified with revised regulations. Karen replied yes.

Renee listed the progress as follows:

- Clarification
 - Early as possible
 - Direct communication with Staff
 - If detailed, written
- Policy
 - Department Update & Written proposal
 - County Staff review (Attorney)
 - Public meeting
- Regulation
 - Define overall goals first
 - Staff recommends steps to meet goals

Department Lists

Further discussion included:

Timeframes

Submit applications to Board of County Commissioners in sufficiency

Mechanism for majority request

Direction from Board, not an individual

Written request approved by the majority

Public meeting

County staff review of requests

County staff identifying regulation items

Ask clarification questions early

Learn more about DEQ review

Figure out overall goals

► Minutes: Glenda Wiles

► The Board met for discussion and decision on removal of a volunteer member from the Planning Board (due to the actions of a Planning Board Member at a Darby CPC meeting). Present at this meeting were numerous citizens. Commissioner Rokosch stated they have adopted ground rules for CPC meetings (this is a 12-page document). It was noted the Board is referring to Jan Wisniewski who is a Planning Board Member and Darby CPC member. Commissioner Rokosch addressed the ground rules language which is different for roles and entities; noting the “Partners in zoning process show a listing of CPC members & Planning Board Members.” Commissioner Rokosch noted on Page 11 of this document, under the Planning Board, the role of Planning Board members is discussed. He noted the Planning Board Members should avoid leading or exerting any pressure over the process; however a Planning Board Member can participate as a private citizen. Commissioner Rokosch stated there are conflicting roles, and a choice needs to be made whether the person acts as a Planning Board Member or a CPC Member in regard to their actions at the zoning meetings. Secondly, he noted they need to discuss the responsibilities of Planning Board Members and CPC Members in regard to the scope of work and guidelines for the zoning process.

Commissioner Chilcott stated employees or elected officials do not surrender their citizenship when elected to an office or placed on an advisory board. He agreed there is a concern over the roles that are played. However, he respects the enthusiasm and passion from the CPC Members and Planning Board Members in regard to this zoning issue. He respects everyone’s opinion, but understands they might agree to disagree. He does not want to stifle people from stating their opinions whether they are Planning Board Members or CPC Members. He noted the document addresses the ground rules which utilize the permissive words, not “shall” and “will not”.

Commissioner Chilcott made a motion to table the discussion of removing a Planning Board Member at this time. Commissioner Thompson seconded the motion. Discussion of the motion then took place. Commissioner Thompson stated he has been absent for some time and when he returned he saw this issue on the agenda. He has not visited with other Commissioners about this issue. He also stated he talked to a citizen yesterday and found out the issue on the calendar was referring to Jan. He stated he needs the information surrounding this issue before he can make any decision on removing a Planning Board Member.

Commissioner Driscoll stated she did hear what people were saying at the last Darby CPC meeting. She stated she feels discomfort from what transpired at the Darby CPC meeting. She noted Jan was there and it was obvious Commissioner Grandstaff felt uncomfortable with Jan's comments and actions. She stated Gene Williams witnessed the discussion and heard Commissioner Grandstaff tell Jan "to calm down". Overall she did feel the meeting was positive. She noted the discussion was intense between Jan and Commissioner Grandstaff but it was after the actual meeting when people were standing around and talking. She stated this is an emotional time, but people need to come together. Commissioner Driscoll stated she wants to honor Commissioner Grandstaff and the feelings she had over Jan's actions, noting Jan was being very intense, but also noting his actions were simply part of a discussion. She stated the citizens are getting intense over the zoning issues; too intense.

Commissioner Driscoll asked Jan if the conversation was intense, and Jan agreed it was. Commissioner Driscoll felt the discussions need to continue but everyone needs to understand their boundaries. She appreciates both Jan and Commissioner Grandstaff, and felt it was important to have this discussion. She stated as long as people yell, they only get 10% of the necessary information. If the yelling ceases, they will get 100% of the information.

Commissioner Grandstaff agreed the language needs to be 'ratcheted down' and everyone needs to recognize the differences of people's opinions. She agreed this is a difficult time and is unprecedented. However, people should not use words such as "lynch or rape" as that is inappropriate language. She stated she does not feel intimidated in Darby, but she feels anger and hostility when this type of language is used, which is not necessary. She stated no one needs inflammatory words and bad language added to the mix as it is important to move forward in a respectful manner. She stated she does not support any Board Member's removal at this time.

Commissioner Rokosch stated he does not support removal, but wants to remind people of the commitment to the ground rules so the scope of the work is completed in this zoning process. He then read a portion of the ground rules which addresses the work to be done; "Identify differences of opinion of the stakeholders, work with staff, consultants, and to make recommendations to draft zoning and zoning maps". He stated behavioral guidelines involve respect and "participants are representative of a broad range of interests and they must recognize the concerns of others. He expects everyone's interest will be represented. He also stated delay in the process will not be recognized as

holding up the draft. Commissioner Rokosch also read the purpose of the Planning Board under the Administrative Rules which states in part to “improve health safety and convenience of current residents and to plan for the future development of the county”.

Commissioner Chilcott stated we all let our passion override our common sense at times. He has been guilty of that, and sometimes it crosses the gender barrier. He stated this is a process of zoning, but it has come to be defined as ‘big government’. He felt ultimately the process will help the citizens define the process of zoning, and to find common ground. He stated if the process is un-successful, there will be no zoning. He also relayed that it is important for each participant to give 100% which will make everyone a winner, even if we don’t end up with zoning.

Commissioner Driscoll stated we all get angry with one another, and being raised here she feels everyone will work it out.

Commissioner Thompson stated when people come before the Commissioners and give us facts or testimony, he listens. When there is bad language and intimidation which includes threats, he does not hear that very well. He suggested as the county goes through the process, and a person wants to talk about something, that conversation should be directed to the Commissioners. The planners are young and they receive direction from the Commissioners. He said the people should not ‘kill the messenger’; rather write us, email us etc.

All voted “aye”.

Public comment was then taken.

Bill Kyle from Como stated the zoning issue woke up a ‘sleeping giant’ (meaning Darby). He stated he is upset about what might happen to them. At the CPC meeting, Jan shouted and woke the all up. The Board of County Commissioners should forget the agenda and don’t jerk their heads around. They like the valley; they are not polluting the valley and he is not here in Hamilton to tell someone when to mow their lawns. Darby landowners need to wake up and vote.

Dan Floyd commented on the guidelines and the issue of delays. He stated not having any zoning is an outcome of the Darby CPC, so they are not delaying any process. He also attended a series of meetings and he has not seen anyone threatened. This situation between Commissioner Grandstaff and Jan occurred after the Darby meeting. There were no threats at the meeting.

Randy Brown stated at the last meeting he attended the Commissioners stated they did not have a horse in the race, and zoning will be up to each community. He feels the CPC represents what Darby wants. 1 for 2 was to study whether zoning was needed or not. He disagrees with Commissioner Rokosch when he says any delay is not working for zoning.

Commissioner Rokosch stated he simply read from the guidelines, if they do not want any zoning that is ok. Commissioner Rokosch then used an analogy of designing an airplane.

Randy stated the '1 for 2' which created the so called moratorium was to study zoning, not whether they want zoning.

David Merrick of Corvallis asked who drew up the guidelines. Commissioner Rokosch stated the guidelines were put into draft form by Planning and PPRI from the comments received at the CPC meetings. The draft then went to the Commissioners for comment and edit. David stated if you want to know what threatening words are, he and others think Zoning is a threatening word. He stated he and other are thinking of getting organized in the same manner as the planning people.

Commissioner Rokosch stated he wants to find out why zoning is so scary and fearful. He stated it is important for people to stick with the process in order to find a balance.

Russ Hunt stated Jan gives 150%, so he should be moved up to chairman of the Planning Board.

Commissioner Driscoll stated she recognized some serious expression with Jan and Commissioner Grandstaff that evening so she went over to calm them down. She stated people are not listening to one another. When you yell loudly people don't listen. Don't put yelling over talking to people.

Shannon Plocher lives in Corvallis. She came here from California and has learned that locals stand for character. She has talked to people and most are against zoning. People did not know what they were voting for in the '1 for 2'. She then asked those in the audience to stand up if they were against zoning. Most stood up. She stated they need to back this thing up and do more voting.

Tom Robak lives in Darby. He stated the Commissioners keep talking about trust and getting along. He was for streamside set backs until he attended 8-9 staff meetings and 2 commissioner meetings. Recently he just attended a Streamside Setback Committee meeting and found the 'list of big questions'. He found out there already is a buffer zone which will be added on to the existing setbacks of 100-200'. He reviewed the list and this document needs to be given to the community. He stated Planning Director Karen Hughes gave a presentation at the meeting advising everyone they got \$80,000 and these meetings are to promote what streamside setbacks are about, not to put out the list of big questions. Tom stated Karen was just wanting to 'smooze everyone', rather than put out the document to the 1,000 homes that are along the water ways. People should get the document first before they are smoozed. He agreed the issue is trust. If the people don't see the documents and the set backs are voted in, there is no trust. \$80,000 goes a long way towards getting this document to the 1,000 landowners.

Commissioner Chilcott stated that document is a draft and the Commissioners have not had their input. This document is a long way from where it is going to be and might scare some people for something that might or might not happen.

Tom stated there are three Commissioners who want an emergency setback. While he recognizes this is a draft, he stated there is stuff within this document that no one has talked about.

Commissioner Rokosch stated in order to adopt anything there will be a Planning Board hearing, public notice and Commissioner's hearings.

Gene Honey of Darby stated he did not like the Darby meeting. He thought the county was trying to sell the county land plan to them. He thought the county already has voluntary zoning in place. Gene stated covenants are individual choices. Some people don't want covenants or zoning so they can do certain things on their property such as shooting their firearms, having dogs, certain size of houses etc. He stated he wants individual choice not governmental choice. The Montana Constitution gives citizens rights such as freedom of speech and expression. He stated that is what Jan was doing. He stated Darby residents are passionate and we feel our property rights are being violated. Right to know, right to participate, and the right to due process are important. Zoning is not due process; rather it is taking our rights away. Zoning is a form of condemnation. Most people fought to stand up for peoples rights, such as families, brothers and neighbors.

Ron Porter of Charlos Heights stated he appreciates Commissioner Thompson as a County Commissioner. Jan is a friend of his and Jan has an interest in zoning. Ron stated they are passionate people and get carried away, but they respect the rights of others, but they don't think we get heard. We won't give up this time.

Randy Brown stated when this issue goes to a vote; the language should be understandable to the voters. He stated John Lavey misinterpreted why they raised their hands, he thought the Darby Residents wanted zoning; when they did not want to be excluded from the information.

Gene Williams stated he was at the Darby CPC meeting. What he saw trigger the fireworks was Jan calling out a name and it was a private conversation. He did not hear any threats and he teased Commissioner Grandstaff about how she can be intimidating. He did not see Jan as full blown angry and he did not threaten anyone.

Commissioner Driscoll stated when the fireworks started Jan was insisting on obtaining the names of the people who threatened the Commissioners. Commissioner Driscoll stated those people won't feel comfortable with their names given out, and we cannot give there names out. She stated Jan started an uncomfortable situation when he demanded those names.

Laurie Riley lives in Corvallis. She stated the Commissioners need to hear from the people who support zoning.

Jerry Ehman stated Jan wanted to know the names so he could tell them to knock off the threats. Jan told us ahead of time to behave ourselves.

Shannon Polcher stated zoning is costing the county money. Commissioner Driscoll addressed the different communities that did or did not want zoning. Shannon stated the Darby folks are common folks who have been 'sleeping', and while they were out working, the special interest groups have the time to get some things they want. She encouraged people to get involved.

Susanna Pyron of Florence has been to roundtable discussions and CPC meetings. Her concern is that some of the information is not getting out. Some people don't want to zone other people's property. At a meeting in Florence a landowner put a certain colored dot on his property to indicate what he wanted in regard to zoning and a lady who has never been to a meeting erased what the land owner wanted and put what she wanted. This obviously made the landowner mad. Susanna stated people from the outside who have big bucks want to influence the county.

Gary Boyer lives in Darby. He was a teacher and rancher. He asked the Commissioners to listen to the common men. He believes this 'sleeping giant' is woken up and shame on them if they don't come through.

Sue Jones of Corvallis lives north of the Teller Refuge. Her property is unique. FEMA says it is in the floodplain but we are on a mound. She felt the Commissioners need compassion for the people because some of their freedoms left due to 911. She stated Jan represents some good and interesting ideas.

Jan Wisniewski apologized if he ruffled any feathers. He admitted he did get a little worked up. In order to be heard, he was loud. In the future he will tone it down. He respects the Commissioners and remembers the day he was appointed to the Planning Board. One question he was asked in his oral interview by the Commissioners was if he would be willing to make a decision that was unpopular. His answer was yes if it was the right thing to do. He stated one problem he sees to the draft document is on page 11; as it does not have the addendum addressing the planning board leading undue influence on others. Within Article E it stated the Planning Board should follow the recommendations of the CPC unless there was compelling evidence from the County Attorney. He thought he was following those responsibilities.

Gene Honey did not see Jan do anything inappropriate. Rather Jan was just being passionate. He does want to know who is threatening who. Passionate words are not fighting words.

Randy stated this issue should not have been put in the paper as it made Darby look bad.

Gene Honey stated Jan did not threaten anyone. It is important to realize we have individual rights.

Commissioner Rokosch stated he understands those rights, and it includes expectation of being safe with the general welfare being protected. There are two sides to the property right coin. We all have rights within our fence line and we do not have the right to cause harm to others because of our fence line. The origin of zoning was to protect property, and values. He stated it is important for everyone to check their emotions at the door and be willing to listen to everyone and respect their desires. Public Officials are leaders and advisory boards should act at a higher level, which includes Jan. He asked everyone participating to bring substance to these meeting, not just emotions. He stated it is best for everyone to articulate their opinions rather than express emotions.

Commissioner Driscoll read the constitution for right of privacy.

Jan stated the flack he is taking is because at the end of the meeting he was walking over to talk to Gene. At that point Commissioner Grandstaff came to him and started a discussion. He stated he was not right to raise his voice.

Jerry Ehman asked what the Commissioners are even doing talking about it as Commissioner Grandstaff has asked to table this.

Randy stated Commissioner Rokosch wants them to have an open mind, but stated to Commissioner Rokosch, that he has the closed mind. Randy stated Commissioner Rokosch has said over and over that we have to believe in zoning. That is Commissioner Rokosch's opinion not ours. So why is it just Commissioner Rokosch that has the only right opinion? He stated numerous Darby residents sit down at meetings going out of their way to be agreeable to various issue. Then, here comes the East Fork Salvage issue. The Friends of the Bitterroot drive the decision making process by not allowing any timber salvage from the fires. Now we have bugs in the trees and a bigger fire hazard. Randy stated the Friends of the Bitterroot should be fined for wasting the natural resources like they do in Alaska. To let bugs and fire killed trees rot; then ask us to raise taxes for schools, when that money for timber is what is utilized for schools is ridiculous. But then again, like Commissioner Rokosch, their opinion is the only one that counts.

Commissioner Rokosch stated we can do a better job with these resources and zoning can do that for everyone.

Commissioner Chilcott stated Commissioner Thompson has been a huge champion on the forest issues; that is where he was a few weeks ago, in Washington D.C. Ravalli County has a history of trying to do the right thing. The crowd applauded the work Commissioner Thompson has done on the Forest County issue.

The meeting was adjourned.